



2011 Legislative Agenda
82nd Texas Legislative Session

**Mayor
Bob Lemon**

Matt Powell
Place 1

Mitch Fuller
Place 2
Mayor Pro Tem

Scott Mitchell
Place 3

Lowell Moore
Place 4

Tony Dale
Place 5

Don Tracy
Place 6

Brenda Eivens
City Manager

Charles Rowland
City Attorney

Sam Roberts
Assistant City Manager

Jose Madrigal
Assistant City Manager

TABLE OF CONTENTS

I.	Goals of Legislative Activities.....	Page 3
II.	General Legislative Policy.....	Page 3
	<ul style="list-style-type: none">• Preserve the City’s strategic goals and interests• Support legislation which advances the City’s strategic goals and interests• Form coalitions with parties which share common goals and interests with the City	
III.	Priority Legislative Agenda.....	Page 4
	<ul style="list-style-type: none">• Preserve local budgeting authority and revenue sources• Ensure the City continues to have adequate water supplies for its citizens and economic development purposes• Support priority funding for local transportation projects and streamlined processes for TxDOT involvement with transportation projects, and additional local flexibility to administer Federal/State funded projects• Support the continued ability of cities to engage in economic development programs that expand the local tax base and create jobs• Preserve local control of land use planning and zoning	
IV.	Other Legislative Action Items.....	Page 9
	<ul style="list-style-type: none">• Monitor legislation involving city collective bargaining• Seek solution to Comptroller’s misallocated sales tax problem• Monitor legislation related to Emergency Service Districts• Monitor legislation banning K2 drugs• Monitor legislation expanding the City’s bonding authority	



GOALS OF LEGISLATIVE ACTIVITIES

The fundamental goal of all City of Cedar Park legislative activities is to produce positive outcomes for the citizens of Cedar Park as a whole. Numerous proposals in the Texas Legislature have the potential to seriously impact the ability of the City to carry out its overall mission. By taking a proactive role in monitoring and commenting on proposals in the Texas Legislature, we are working to ensure that the citizens of the City of Cedar Park continue to enjoy the quality of life they have come to expect and deserve.

GENERAL LEGISLATIVE POLICY

PRESERVE THE CITY'S STRATEGIC GOALS AND INTERESTS

STATEMENT OF PRESERVATION

As a general policy, the City of Cedar Park seeks to preserve its current authority to govern the City, its citizens, and its property. The City will oppose any legislation viewed as detrimental to the City's strategic goals, or that is contrary to the health, safety, and welfare of its citizens. or that mandates increased costs or loss of revenues, or that would diminish the fundamental authority of the City.

SUPPORT LEGISLATION WHICH ADVANCES THE CITY'S STRATEGIC GOALS AND INTERESTS

STATEMENT OF SUPPORT

Likewise, the City supports any legislation viewed as advancing the City's strategic goals, or that improves the health, safety, and welfare of its citizens; or that responsibly increases revenues, or that advances the City's authority to conduct the public's business.



FORM COALITIONS WITH PARTIES WHICH SHARE COMMON GOALS AND INTERESTS WITH THE CITY

FORM COALITIONS

The City will form strategic partnerships with cities, political subdivisions, and private sector entities which share common goals with the City of Cedar Park. Additionally, the City will work in coordination with organizations such as the Texas Municipal League when its adopted positions are congruent with the legislative objectives and goals of the City. The formation of strategic partnerships and coordinated efforts is intended to provide the City with a stronger presence in the legislative process.

PRIORITY LEGISLATIVE AGENDA

1. PRESERVE LOCAL BUDGETING AUTHORITY AND REVENUE SOURCES

ISSUES

During the last several Texas Legislative Sessions, proposals have been set forth that would severely limit the ability of cities to set their budgets or raise adequate revenues to carry out their fundamental functions. For example, numerous proposals to “cap” local revenues and property appraisals have been filed in the Texas Legislature.

Another issue in previous sessions has been “truth in taxation” legislation. This legislation deals with a municipality’s notice to taxpayers of its intent to lower, maintain, or raise local property taxes.

A. PROBLEM – APPRAISAL CAPS

Appraisal and revenue caps undermine the ability of local governments to meet the individual needs and circumstances of their cities. Additionally, one-size-fits-all “caps” violate the fundamental principle of local control. Citizens and businesses have numerous opportunities to provide input to the City of Cedar Park’s budget and tax-rate-setting processes.



Ultimately, it is the responsibility of counties to set appraisal values; however, it becomes problematic for cities if appraisal and revenue caps are set too low. For instance, appraisal caps shift an inequitable tax burden to businesses and new homeowners. This inequitable shift can produce serious long-term negative consequences for the local economy. Revenue caps, on the other hand, require the City to cut services or take on more debt to fund local projects and services. These types of “caps” are particularly harmful to a city like the City of Cedar Park because they prevent the City from adequately dealing with the infrastructure needs brought on by population growth.

It is inappropriate for the State of Texas to expect local governments to provide numerous public services, with no state funding, while at the same time unduly restricting the ability of local governments to raise the necessary levels of revenue to provide the required services.

SOLUTION

If revenue caps are going to be applied to local governments, they should be applied uniformly to the state budget as well. In short, the same rules should apply to all levels of government. The State could also supplement local government funding as other states have done and as the State of Texas does through its school finance plan.

Oppose legislation which would unduly restrict the ability of the City to set its own budget or raise the necessary revenue to provide essential services to City residents and businesses.

Oppose legislation which removes local control over revenue availability or over the appraisal system currently in place in Texas.

B. PROBLEM – TRUTH IN TAXATION CONSISTENCY

Texas legislators continue to assert that local governments do not communicate effectively with their constituents about proposed tax increases. They claim local governments use “appraisal creep” to allow them to raise property taxes without the public fully understanding that taxes are being raised. They are proposing a more simplified notice be furnished to taxpayers.

SOLUTION

The City will monitor this legislation. As long as additional expense is not imposed on local governments, most cities find a notice change or simplification to be acceptable.

Support legislation which promotes an accurate understanding of the local budgeting and tax rate-setting process by citizens.



Support legislation which accurately notifies and explains to taxpayers the actual impacts of the effective tax rate, while deleting parts of the notification and adoption process which cause confusion and are inconsistent with the goal of providing a transparent budget and tax-rate-setting process.

2. ENSURE THE CITY CONTINUES TO HAVE ADEQUATE WATER SUPPLIES FOR ITS CITIZENS AND ECONOMIC DEVELOPMENT PURPOSES

Support legislation which provides additional state funding for water infrastructure projects.

Support legislation which promotes the implementation of the State Water Plan as adopted by the Texas Water Development Board.

Support legislation which ensures the City can continue to provide affordable and high quality water and wastewater services.

Support legislation which clarifies Texas cities' ability to comply with state and federal guidelines on water quality ponds. Work with the Texas Commission on Environmental Quality (TCEQ) to resolve enforcement issues.

Oppose legislation which would negatively impact the ability of the City to use contracted water supplies from Lake Travis.

Oppose legislation which would adversely impact the ability of the City and/or Brushy Creek Regional Utility Authority to carry out current and future water projects.

3. SUPPORT PRIORITY FUNDING FOR LOCAL TRANSPORTATION PROJECTS AND STREAMLINED PROCESSES FOR TxDOT INVOLVEMENT WITH TRANSPORTATION PROJECTS, AND ADDITIONAL LOCAL FLEXIBILITY TO ADMINISTER FEDERAL/STATE FUNDED PROJECTS

Support expedited funding by Texas Department of Transportation for priority local transportation projects.

Support legislation or legislative activities which would result in streamlined processes for projects that require TxDOT involvement.

Support legislation which would provide cities with additional flexibility to administer projects that are funded with primarily local funding but administered by TxDOT.



Support efforts by City to secure funding from CAMPO and TxDOT on expansion of SH 1431.

Support legislation which would limit or stop diversion of gasoline tax monies.

Support legislation or rule-making which would change TxDOT signage policies on state highways throughout Cedar Park.

Oppose legislation which would mandate the City's participation in a regional transportation system.

4. SUPPORT THE CONTINUED ABILITY OF CITIES TO ENGAGE IN ECONOMIC DEVELOPMENT PROGRAMS THAT EXPAND THE LOCAL TAX BASE AND CREATE JOBS

Support legislation which provides local governments with the ability to expand local economic development efforts.

Support continued appropriations for the Texas Enterprise Fund and the Texas Emerging Technology Fund as key economic growth tools.

Oppose legislation which would further limit the City's ability to utilize "Type A" and "Type B" funds, commonly referred to as "4A" and "4B".

Oppose legislation which would erode current authority to participate in local economic development projects.

5. PRESERVE LOCAL CONTROL OF LAND USE PLANNING AND ZONING

ISSUE

Over the past few legislative sessions various proposals have been introduced to restrict the ability of cities to enforce their traditional land use controls. Specifically, legislation which requires cities to compensate landowners any time a zoning classification changes (often referred to as a "downzoning"), has come dangerously close to becoming law. Under these proposals, cities would have to compensate landowners, even if the proposed zoning changes would not interfere with the current or intended use of the property. In addition to compensating landowners for zoning changes, proposals which would require compensation for numerous types of city regulations have been considered. For example, previously proposed legislation would have required cities to compensate landowners if they restricted the ability of patrons to smoke on premises or limited the time of day that alcohol could be served. All of these types of local restrictions have been debated under the theory of "regulatory takings."



Additional legislative proposals would have prevented cities from changing the zoning classification of a property if any type of basic permit or site plan had been filed with *any* governmental entity. Since 1999, the Texas Legislature has continually expanded the “permit vesting” statute to include different aspects of city land use authority. The expansion of the “permit vesting” statute is beginning to interfere with the ability of cities to impose orderly, efficient and comprehensive land use and development plans for their communities.

PROBLEM

Restricting the ability of cities to properly regulate land uses ultimately prevents them from being able to respond to the needs and demands of their citizens. For example, land use controls are intended to keep undesirable businesses from locating in neighborhood settings. Additionally, one of the main reasons people live in cities is to have the protection of a regulated land use system. When a resident or business locates in a particular city they do so in part to ensure that an incompatible structure will not be placed next to their property.

SOLUTION

The ability of large cities to manage growth and development is based on the Texas Constitution’s home rule provisions. Cities are allowed to amend charters and pass ordinances as long as they do not conflict with the constitution or general laws enacted by the state legislature. Each home rule city can make its own decisions about what planning tools and techniques are most appropriate to its situation unless those tools have been prescribed by the Texas legislature. The State should be cautious in imposing solutions that are only applicable to individual situations because of the vast differences between cities in this large state.

Support legislation that preserves local land use authority.

Oppose legislation that would erode local land use authority by restricting the ability of cities to zone or re-zone properties.

Oppose any legislation which increases the authority of counties to regulate land use.



OTHER LEGISLATIVE ACTION ITEMS

1. MONITOR LEGISLATION INVOLVING CITY COLLECTIVE BARGAINING

Oppose any expansion of collective bargaining within Texas cities.

2. SEEK SOLUTION TO MISALLOCATED SALES TAX PROBLEM

Support legislation which shortens the look-back period and extends the payback period if a city is required to repay misallocated sales tax revenue.

Support legislation to increase accountability for both the sales tax remitter and the Comptroller to ensure accuracy of sales tax allocations to taxing entities.

Initiate contact with Comptroller's office to seek solutions to the City's misallocation problem.

3. MONITOR LEGISLATION RELATED TO EMERGENCY SERVICES DISTRICTS

Support legislation which addresses problems cities are currently experiencing with respect to Emergency Service Districts (ESD) in their Extraterritorial Jurisdiction (ETJ).

Support legislation which empowers residents in Emergency Service Districts to have elected representation on ESD Boards.

Support legislation which limits an ESD from incurring any debt or contract for service that extends beyond the city's annexation plan period.

4. MONITOR LEGISLATION BANNING K2 DRUGS

Support legislation banning K2 and all artificial or synthesized marijuana.

5. MONITOR LEGISLATION EXPANDING THE CITY'S BONDING AUTHORITY

Support legislation which allows cities to bundle bond proposals in the same manner allowable for school district bond proposals.

